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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,672	11/20/2001	Young-jin Hong	030681-330	9036
21839 7590 03/04/2008 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER
			NOTIFICATION DATE 03/04/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

## Office Action Summary

**Application No.**

09/988,672

**Applicant(s)**

HONG, YOUNG-JIN

**Examiner**

Robert M. Pond

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/01/2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Request for Reconsideration***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Claims 1-20 were examined in this non-final office action necessitated by new grounds of rejection.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 30 March 2007, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn and as noted in the Advisory Action entered 01 May 2007. However, upon further consideration, a new ground(s) of rejection are made in view of Hunter. Chernow and Official Notice were withdrawn. Arguments applied to Chernow and Official Notice are now moot.

### **Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 1. Claims 1-8, 13, and 14 are rejected under 35 USC 103(a) as being unpatentable over Hunter (US 6,850,901).**

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Hunter teaches a central system and methods of providing an on-line shopping service that represents multiple participating merchants who offer their products through the system to a plurality of remote customers. Customers order one or more products by telephone by accessing the central system that processes and routes a complete product order to the appropriate participating merchant. See at least abstract; Fig. 1; col. 1-col. 4; col. 5, lines 14-col. 6, line 22.

#### Requesting Product Information

Hunter provides multiple embodiments based on a core set of central system structures as shown in at least Figs. 1-5. Figure 3 depicts the central system being used to retrieve product information requested by a customer making a call using either cellular or plain old telephone system (POT) systems and receiving the requested product information via POTS/voice from the central system or directly from the selected merchant. Hunter's product information requests (i.e. Applicant's purchasing conditions) convey at least product description, pricing and merchant information. See at least Fig. 1A; col. 8, lines 30-36.

Figure 3 further depicts support for establishing the caller as a new customer and support for updating the customer record which implies the information set for a customer can change. For example, the customer-supplied personal identification number may change, or preferred shipping methods may change, or product preferences, etc. See at least Fig. 3 (60, 70); col. 7, lines 19-54. For examination purposes, the scenario relied upon as depicted by Figure 3 and supporting teachings is a caller making a product information request,

establishing a PIN (i.e. password) with other identifying information and preferences, and receiving the requested product information from the central system via POTS/voice via a communication separate from the originating call. See Fig. 3 (24, 40, 50, 60, 70, and 150 back to 24). Figure 3 further depicts the central system transferring customer information and product/merchant ID information by the product order placement module to the merchant (Fig. 3 (150, 100)).

Figure 4 provides a variation of Figure 3 in that the central system processes the caller's product information request the same as a product order (see below for further discussion pertaining to making a purchase request) so that the appropriate merchant can follow-up as appropriate with the caller making the request. Note: follow-up separate from the originating call. See Fig. 4 (100A); col. 8, lines 47-67.

Figure 2 depicts the central system receiving order requests from callers either establishing a customer information set (Fig. 2 (24, 40, 50, 60, 70) or having an existing customer information set (Fig. 2 (24, 40, 50, 70)). Once the caller makes the request, the caller can simply hang up or wait for confirmation. It would have been obvious to try by one of ordinary skill in the art at time the invention was made to provide a caller making a product information request with the option of hanging up once the product information request is entered. This convenience is as already provided to a caller making a product purchase request. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

For examination purposes, the scenario relied upon as taught and suggested by Hunter's is: a caller making a product information request and establishing at least a PIN (i.e. password), hanging up and then receiving the requested product information via POTS/voice as a communication separate from the originating call from the central system. See Fig. 3 (24, 40, 50, 60, 70, hanging up, and 150 back to 24).

*Making a Purchase*

Figures 2, 5 and 6 depict the central system processing a product purchase request based upon receiving product information input by the caller conveying merchant, price and product description. Processing by the central system includes billing and fulfillment. See at least col. 8, lines 17-29; col. 9, lines 1-41.

Hunter teaches and suggests all the above as noted under the 103(a) rejection and teaches and suggests i) the central system retrieving the requested product information based on the purchasing conditions received by the caller after the caller ended the call, ii) providing the caller with the article information in a separate communication using POTS/voice by the central system and iii) based on product information, making a product purchase request via the central system. It would have been obvious to try by one of ordinary skill in the art at time the invention was made to ascertain that during the POTS/voice call back from the central system providing the requested product information, the central system could provide access to its product purchasing features requiring customer identity verification and product purchase information. The product purchasing features are the same features the caller would make in a separate

call to the central system to make a purchase based on the received product information thereby providing a customer convenience. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

Hunter further teaches and suggests:

- Regarding claim 1. (a) receiving a temporary password and purchasing conditions from a user through a telephone connection; Rejection is based on the rationale as taught and suggested by Hunter pertaining to "Requesting Product Information." First-time users may provide identifying information including by not limited to a personal identification number (PIN). See at least col. 6, lines 23-26.
- Regarding claim 1. (b) retrieving article information by the on-line shopping service meeting the purchasing conditions received in step (a), after ending the telephone connection; Rejection is based on the rationale as taught and suggested by Hunter pertaining to "Requesting Product Information."
- Regarding claim 1. (c) establishing a setting telephone connection to the user using the user's originator telephone number call for information, Rejection is based on the rationale as taught and suggested by Hunter pertaining to "Making a Purchase." Customer supplies a telephone number used by POTS/Voice return call from system or call number ID (see at least col. 7, lines 29-59), and confirming the user using the temporary password received in step (a); Rejection is based on the

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rationale as noted above as taught and suggested by Hunter pertaining to "Making a Purchase." A caller using the purchasing features as noted above has his/her identity confirmed using a PIN (i.e. password) alone or in combination. See at least col. 6, line 58-col. 7, line 2.

- Regarding claim 1. and (d) providing the article information retrieved in step (b). Rejection is based on the rationale as noted above pertaining as taught and suggested by Hunter pertaining to "Making a Purchase." requested product information is retrieved and transmitted to the caller using the caller's preferred method (e.g. POTS/voice) (see at least col. 8, lines 35-46), and arranging a transaction according to the user's selection. Rejection is based on the rationale as noted above pertaining as taught and suggested by Hunter pertaining to "Making a Purchase."

Hunter further teaches and suggests:

- Regarding claim 2. wherein step (a) comprises the steps of:
  - (a1) receiving the originator telephone number of the user performing access through a telephone; caller supplies the phone number during the call or the central system uses call number ID. See at least col. 6, lines 39-59.
  - (a2) requesting the user to create the temporary password and receiving the temporary password from the user; col. 6, line 65; col. 7, lines 52-51.
  - (a3) and requesting the user to input the purchasing conditions and receiving the purchasing conditions including at least article name and price information. caller inputs product code. See at least col. 5, lines



- Regarding claim 3. wherein in step (a1), the originator telephone number is automatically transmitted during telephone connection. caller supplies the phone number during the call or system uses call number ID. See at least col. 6, lines 39-59.
- Regarding claim 4. method of claim 2, wherein step (a) further comprises the step of (a4) outputting the purchasing conditions received in step (a3) in the form of speech using a technique of outputting text in the form of speech to confirm the purchasing conditions. Caller receives an automated voice confirmation. See at least col. 9, lines 17-29.
- Regarding claim 5. wherein step (c) comprises the steps of:  
(c1) establishing a setting telephone connection to the user using the originator telephone number; as previously cited.  
(c2) requesting the user to input a temporary password to confirm the user's identity and receiving the temporary password from the user; and  
(c3) comparing the temporary password received in step (a) with the temporary password received in step (c2) to confirm the user.

While it is preferred to utilize customer identification employing call no. ID technology, voice recognition technology or other technologies that operate independent of information input by the customer in response to a prompt, other identification means may be used, for example, where the customer is automatically prompted to provide information such as credit card number, social security number, date of birth, personal identification number PIN, or the like, alone or in combination, and the provided

information is compared against information previously established in the customer database to verify the identity of the customer placing the call.

See at least col. 6, lines 58-col. 7, line 7.

- Regarding claim 6. wherein step (d) comprises the steps of:

(d1) providing the article information retrieved in step (b) to the user

through a telephone; POTS/voice delivery of requested product

information as previously cited.

(d2) requesting the user to select a seller from the article information

provided in step (d1) and receiving seller information selected by the user;

places order through the system as previously cited.

(d3) and confirming content received in step (d2), caller receives an

automated voice confirmation. See at least col. 7, lines 8-22; col. 9, lines

17-29. and arranging a transaction. arranging a transaction is a

demonstrated objective of the system as previously cited.

- Regarding claim 7. method of claim 6, wherein in step (d1), the article

information retrieved in step (b) is output in the form of speech using a

technique of outputting text in the form of speech. Caller receives an

automated voice confirmation. See at least col. 7, lines 8-22; col. 9, lines

17-29.

- Regarding claim 8. method of claim 6, wherein step (d) further comprises

the step of (d4) providing the details of the transaction arranged in step

(d3) to the seller selected by the user. system processes the order and

passes to the selected merchant for fulfillment. See at least Fig. 3 (50; 100); col. 8, lines 30-67.

- Regarding claims 13 and 14. Rejections are based on the disclosures and rationales as noted above.

**2. Claims 9-12 and 15-20 are rejected under 35 USC 103(a) as being unpatentable over Hunter (US 6,850,901) in view of Whigham (US 6,584,309).**

- Regarding claims 9 and 15, Hunter teaches and suggests all the above as noted under the 103(a) rejection and teaches and suggests i) the customer making either a cellular or POTS call to a purchasing system to make a purchase over the phone, ii) the purchasing system billing the customer making a purchase via a credit card system and iii) arranging the transaction according to the user's selection. Although Hunter does not mention requesting a telephone company billing server to bill a purchase charge as a telephone charge. Whigham on the other hand teaches a product purchasing system whereby a customer using a cellular telephone to purchase a product is billed by the product provider, a credit card company, a bank or the telephone company that provides the cellular telephone service. See at least abstract; Fig. 1; col. 2, lines 33-53. One of ordinary skill in the art at time the invention was made would have recognized that applying the known technique of Whigham would have yielded predictable results and resulted in an improved system. It would

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have been recognized that applying the technique of Whigham to the teachings of Hunter would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

- Regarding claims 10-12 and 16-20. Rejections are based on the same rationale as noted above as applied to claims 9 and 15.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner, Art Unit 3625  
February 22, 2008